

REMARKS

The Final Office Action dated June 22, 2006 has been received and its contents carefully noted. By the above actions, claims 1-17 and 19-22 are pending in the application. In order to better define that which Applicants regard as the invention, claims 1, 17, and 19 have been amended. No new matter has been added. Support for the amendments is provided in the original claims, Figures 1-3, and related text of the specification.

In view of these actions and the following remarks, reconsideration of this application is now requested.

Rejections under 35 U.S.C. § 102

Independent claim 17 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,077,239 to Lin. Applicants respectfully submit that the rejection has been overcome in view of the amendment made to claim 17. In particular, claim 17 now recites “a motor operably coupled to at least one of the first massage head and the second massage head.” As the present specification states, “[r]eferring to FIG. 3, the massaging action of the first massage head 120 is provided by, for example, but not limited to, the first motor 160, which is located in close proximity to, and operatively coupled to, the first massage head 120 to transfer vibrations to the first massage head 120.” (See present specification as filed, p. 6, lines 17-20.) The present specification also states, “[t]he massaging action of the second massage head 105 is provided by, for example, but not limited to, the second motor 170, which is located in close proximity to, and operatively coupled to, the second massage head 105 to transfer vibrations to the second massage head 105.” (See present specification as filed, p. 7, lines 14-16.)

The Examiner asserts that elements 12 and 11 shown in FIG. 1 of Lin refer to a first and second massage heads, respectively. (See Office Action, p. 3, lines 14, 20.) Nowhere in the reference does Lin disclose, or even suggest, that the elements 11 and 12 are operably coupled to a motor, as recited in claim 17. In fact, Lin discloses a “rubbing plate having an elongated, flat shape.” (See Lin, col. 2, lines 7-8.) The flat shape, as shown in FIGS. 1-9 of Lin, is unsuitable for accommodating a motor. Because Lin fails to disclose, or suggest, coupling a motor to a massage head, as recited in claim 17, it fails to teach each and every

element of the claim. Accordingly, withdrawal of the rejection is in order and is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-3, 7, 9, and 19-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,758,826 to Luetngen et al. Applicants respectfully submit that the rejection has been overcome in view of the amendment made to independent claims 1 and 19. In particular, independent claims 1 and 19 have been amended to recite “a first outer surface entirely covering the first massage head, the first outer surface facing entirely away from the first massage head and the handle” and “a second outer surface entirely covering the second massage head, the second outer surface facing entirely away from the second massage head and the handle.” As shown in FIGS. 1 and 2, first massage head 120 of the massager unit 100 is covered by a surface that faces entirely away from the first massage head 120 as well as the handle 115. Similarly, the second massage head 105 is covered by a surface that faces entirely away from the second massage head 105 as well as the handle 115. As the cross-sectional view of FIG. 3 further illustrates, no part of the surfaces surrounding the first head 120 turns back to face the handle 115 or the first massage head 120, and no part of the surfaces surrounding the second head 105 turns back to face the handle 115 or the second massage head 105. Indeed, the present specification explains that “[i]n the first exemplary embodiment of the invention the first active massage portion 135 is a substantially oval shaped dome.” (See present specification as filed, p. 5, lines 7-8.) It also explains that “the substantially convex lower portion 145 of the second massage head 105 is the active massage area.” (See present specification as filed, p. 5, lines 14-15.) Accordingly, the oval shaped dome of the first massage head and the convex lower portion of the second massage head indicate that the surfaces are entirely outward facing.

The Examiner asserts that FIG. 15 of Luetngen et al. discloses an elongate handle (115) having a first end and a second end, where a first massage head is disposed at the first end and a second massage head is disposed at the second end. (See Office Action, p. 3, lines 17-21.) Describing FIG. 15, however, Luetngen et al. states “the massager 100 includes two J-hook 110 ends. . . .” (See Luetngen et al., col. 16, lines 35-36, emphasis added.) As shown in FIG. 15, the massage heads are positioned on the ends of the curved J-hooks, and with the J-hooks, the massage heads are positioned to turn and face the handle 115. In general,

Luettgen et al. is directed expressly to "a J-shaped vibrating personal massager." (See Luettgen et al., col. 3, lines 31-32.) Due to the J-shape, there must always be a curvature that causes the massage heads to turn and the outer surfaces of the massage heads to face the handle. As such, Luettgen et al. teaches away from providing a massaging device with massage heads with outer surfaces that face entirely away from the handle, as required by independent claims 1 and 19. Accordingly, because Luettgen et al. fails to disclose each and every element of the independent claims 1 and 19, withdrawal of the rejection of these claims is in order and is respectfully requested. In addition, Applicants respectfully submit that dependent claims 2-3, 7, 9, and 20-22 are allowable since they depend on what are now allowable base claims 1 and 19.

Claims 1, 3, 7, 9-16, 19, and 21-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,336,159 to Cheng in view of Luettgen et al. Applicants respectfully submit that the rejection has been overcome in view of the amendment made to independent claims 1 and 19 described previously. In particular, the Examiner asserts that Cheng discloses relevant structures in the following passage of the reference:

Referring to FIGS. 1 and 2; . . . the present invention is generally comprised of a casing 1 having two receiving chambers 12 on one side and a control handle 11 on an opposite side. The receiving chambers 12 each receive a massaging device 2 and an infrared device 3. A lock hoop 13 is fastened to each of the receiving chambers 12 to lock the respective massaging device and the respective infrared device in place. Each massaging device 2 consists of a vibrating plate 21, a motor 22, and a cam 23.

(See Office Action, p. 5, line 8; See Cheng, col. 1, lines 45-55.) FIGS. 2 and 3 of Cheng, however, clearly show that the massage heads formed by receiving chambers 12 have outer surfaces that turn back, or curve back, to face the control handle 11. As such, Cheng fails to disclose massage heads with outer surfaces that face entirely away from a handle of the device, as required by independent claims 1 and 19. As described above, Luettgen et al. teaches away from providing a massaging device with massage heads with outer surfaces that face entirely away from the handle. As a result, Cheng and Luettgen et al., either alone or in combination, fail to disclose each and every element of the independent claims 1 and 19, and withdrawal of the rejection of these claims is in order and is respectfully requested. In addition, Applicants respectfully submit that dependent claims 3, 7, 9-16, and 21-22 are allowable since they depend on what are now allowable base claims 1 and 19.

Furthermore, Applicants respectfully traverse this rejection, because neither Cheng nor Luetngen et al. provide any teachings that suggest that the massaging heads of Cheng should be combined with the use of removable massaging tips as disclosed by Luetngen et al. In this regard, Applicants respectfully contend that the Examiner has failed to establish a *prima facie* case of obviousness.

Nowhere does Cheng even suggest that the massaging device can be modified to have a massage head in one receiving chamber that is shaped differently from the massage head in the other receiving chamber. The fact that the massaging device is received within the receiving chamber indicates that the shape of the massaging head must correspond with the interior shape of the chamber. Furthermore, the receiving chamber in Cheng is a part of the casing for the massaging device, which suggests that the shape of the receiving chamber is not generally modifiable. Thus, at the very least, the static shape of the receiving chamber does not permit the shape of the massage head, which is positioned in the chamber, to be freely modified.

Indeed, the Examiner concedes that “Cheng does not disclose that the first massage head having a shape that is different or wider than the second massage head.” (See Office Action, p. 6, lines 1-2.) Therefore, the Examiner asserts that Luetngen et al. teaches or suggests modifying the device of Cheng to have a wider tip than the other massage head. (See Office Action, p. 6, lines 6-9.) In particular, the Examiner cites the following:

The J-shaped vibrating massager typically has multiple tips that may be quickly and easily attached to any of the ends of the massagers in order to vary the pressure, area, or other characteristics of the massage at that tip location.

(See Office Action, p. 6, lines 7-9; Luetngen et al., col. 2, lines 28-32.) Thus, Luetngen et al. teaches the modification of the massagers through the use of interchangeable tips that are “quickly and easily attached.”

Contrary to the Examiner’s assertion, however, there would be no motivation to combine the interchangeable tips of Luetngen et al. with the device of Cheng. As explained previously, the massage head in Cheng is received and locked in place within a receiving chamber. (See Cheng, col. 1, lines 45-55.) Because the massage head is locked in place, Cheng teaches away from making the massaging head removable or interchangeable, and as a result, teaches away from applying the teachings of Luetngen et al.

In addition, Luetttgen et al. explains that the tips are located on “a tip holding structure.” (See Luetttgen et al., col. 3, line 57.) As also explained previously, the massaging head in Cheng consists of a vibrating plate 21, as shown in FIG. 1. (See Cheng, col. 1, line 54.) The shape of the vibrating plate in Cheng is incompatible with the shape of the tip and would be unsuitable as a tip holding structure as required by Luetttgen et al. As such, Cheng also teaches away from applying a tip-shaped device as taught by Luetttgen et al. to its plate-shaped massage head.

Accordingly, because there would be no motivation to combine the locked, plate-shaped massage head with the interchangeable tips of Luetttgen et al., this rejection based on the combination of Cheng and Luetttgen et al. is improper, and withdrawal of this rejection is in order and is respectfully requested.

Claims 1, 3-8, 19, and 21-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 4,149,530 to Gow in view of Luetttgen et al. Applicants respectfully submit that the rejection has been overcome in view of the amendment made to independent claims 1 and 19 described previously. The Examiner asserts that FIGS. 5 and 7 of Gow disclose an elongate handle having a first end and a second end, where a first massage head is disposed at the first end and a second massage head is disposed at the second end. (See Office Action, p. 6, lines 11-14.) FIGS. 5 and 7, however, show round massage heads that are positioned and shaped so that their outer surfaces face the handle. Referring to FIG. 5, Gow explains that “an alternative embodiment of the present invention . . . includes a handle portion 110, a bifurcated neck portion 112, and a pair of substantially spherical massaging balls 114 and 116.” (See Gow, col. 4, lines 62-65.) The bifurcated neck portion 112 extends the spherically shaped massaging balls 114 away from the handle 110 to cause the outer surfaces of the massaging balls 114 to face the handle 110. In addition, Gow, with reference to FIG. 7, describes “a single shaft 130 [that] includes a plurality of individual vibrating members 132, . . . , and 148, each of which is connected to the shaft 130 via an individual spring 150. (See Gow, col. 5, lines 7-11.) As shown further in FIG. 7, the springs 150 extend the round vibrating members from the shaft 130 to cause the outer surfaces of the vibrating members to face the shaft 130. Accordingly, Gow fails to disclose massaging heads with outer surfaces that face entirely away from a handle, as recited by independent claims 1 and 19.

Similarly, as discussed above, Luetngen et al. also fails to disclose a massaging device having massage heads with outer surfaces that face entirely away from the handle. Therefore, the Gow and Luetngen et al., either alone or in combination, do not disclose each and every element recited in claims 1 and 19. Accordingly, withdrawal of the rejection of these claims is in order and is respectfully requested. In addition, Applicants respectfully submit that dependent claims 3-8 and 21-22 are allowable since they depend on what are now allowable base claims 1 and 19.

Therefore, in view of the amendments and the remarks provided herein, the present application is now believed to be in condition for allowance. However, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order that further prosecution of this application can thereby be expedited.

Respectfully submitted,



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